

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION

3 ILLINOIS COMMERCE COMMISSION) DOCKET NO.
4 On Its Own Motion) 03-0692
5 -vs-)
6 MT. CARMEL PUBLIC UTILITY COMPANY)
7)
8 Reconciliation of revenues)
9 collected under fuel adjustment)
10 charges with actual costs)
11 prudently incurred.)

12)
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 Springfield, Illinois
 September 30, 2004

Met, pursuant to notice, at 10:00 A.M.

BEFORE:

MR. JOHN ALBERS, Administrative Law Judge

APPEARANCES:

MR. ERIC BRAMLET
Koger & Bramlet, P.C.
316-1/2 Market Street
P.O. Box 278
Mt. Carmel, Illinois 62863-0220

(Appearing on behalf of Mt. Carmel Public
Utility Company)

MS. BONITA A. PEARCE
527 East Capitol Avenue
Springfield, Illinois 62701

(Appearing on behalf of the Staff of the
Accounting Department, Financial
Analysis Division, Illinois
Commerce Commission)

1 APPEARANCES: (Cont'd)

2 MR. JAMES D. SPENCER
3 527 East Capitol Avenue
4 Springfield, Illinois 62701

5 (Appearing on behalf of the Staff of the
6 Energy Division of the Illinois
7 Commerce Commission)

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I N D E X

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
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PHILIP BARNHARD, IV				
By Mr. Bramlet	13			

EXHIBITS	MARKED	ADMITTED
Mt. Carmel 1	e-Docket	14/15
Mt. Carmel 2		16
Staff 1	e-Docket	18
Staff 2	e-Docket	20

PROCEEDINGS

JUDGE ALBERS: By the authority vested in me by the Illinois Commerce Commission, I now call Docket Number 03-0692. This docket was initiated by the Commission on its own motion against Mt. Carmel Public Utility Company for the purpose of reconciling revenues collected under the fuel adjustment charge with actual costs prudently incurred by Mt. Carmel.

May I have the appearances for the record, please.

MR. BRAMLET: Eric Bramlet, B-R-A-M-L-E-T, appearing on behalf of Mt. Carmel Public Utility Company. My mailing address is Post Office Box 278, Mt. Carmel, Illinois 62863, telephone number 618/263-3502.

MS. PEARCE: Bonita A. Pearce. I'm an accountant in the Accounting Department of the Financial Analysis Division of the Illinois Commerce Commission located at 527 East Capitol Avenue, Springfield, Illinois 62701.

MR. SPENCER: And my name is James D. Spencer.

1 I'm a senior electrical engineer in the Commission's
2 Energy Division. My business address is 527 East
3 Capitol Avenue, Springfield, Illinois 62701. My
4 phone number is 217/782-6311.

5 JUDGE ALBERS: Thank you.

6 Let the record reflect that there are no
7 others wishing to enter an appearance.

8 When we last met we set a schedule for
9 Staff direct and Company rebuttal. However, from
10 the Staff's direct there doesn't appear to be any
11 reason for Company rebuttal, and I did not see any
12 come in. Is that true?

13 MR. BRAMLET: That is correct, Your Honor.

14 MR. SPENCER: As far as I know, yes.

15 JUDGE ALBERS: Okay. With that then, we can go
16 ahead and look at the testimony that's been offered
17 for -- well, it's been submitted previously and the
18 parties will be offering later today.

19 Mr. Bramlet, I will ask you to start
20 things. Would you like to call your first witness?

21 MR. BRAMLET: I would call Mr. Philip Barnhard,
22 and would you like to swear him in, Your Honor?

1 JUDGE ALBERS: Yes, and I will also swear the
2 two Staff witnesses at the same time, so stand and
3 raise your right hand, please.

4 (Whereupon three witnesses were sworn by
5 Judge Albers.)

6 JUDGE ALBERS: All right. Thank you.

7 MR. BRAMLET: Thank you.

8 PHILIP BARNHARD, IV
9 called as a witness on behalf of Mt. Carmel Public
10 Utility Company, having been first duly sworn, was
11 examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. BRAMLET:

14 Q. Mr. Barnhard, would you please state your
15 full name and business address for the record.

16 THE WITNESS:

17 A. Philip Barnhard IV, business address 316
18 Market Street, Post Office Box 220, Mt. Carmel,
19 Illinois 62863.

20 Q. And did you file prepared written direct
21 testimony in this docket?

22 A. I did.

1 Q. Do you have before you a copy of your
2 direct testimony which includes Exhibits E-1 and E-2
3 along with the Auditor's Report by Deloitte &
4 Touche?

5 A. I do.

6 Q. And has that been marked as Mt. Carmel
7 Exhibit 1.0?

8 A. Yes.

9 Q. And were you responsible for preparing
10 Mt. Carmel Exhibit 1.0?

11 A. I was indeed.

12 Q. Is the information contained in Exhibit 1.0
13 true and correct to the best of your knowledge and
14 belief?

15 A. It is.

16 MR. BRAMLET: Your Honor, we would move for
17 admission into evidence of Mt. Carmel Exhibit 1.0.

18 JUDGE ALBERS: Any objection?

19 MR. SPENCER: No.

20 MS. PEARCE: No objection.

21 JUDGE ALBERS: Hearing no objection, then
22 Mt. Carmel Exhibit 1.0 with Attachments E-1 and E-2

1 are admitted.

2 (Whereupon Mt. Carmel Exhibit 1.0 was
3 received into evidence.)

4 MR. BRAMLET:

5 Q. Mr. Barnhard, you state in your direct
6 testimony that by the time of this hearing the
7 public notice will have been published in newspapers
8 in general circulation in the Company's territory
9 and that notice will have been posted in a prominent
10 place in the Company's offices. Is that correct?

11 A. That is correct.

12 Q. Do you have before you copies of the public
13 notices and publishers' certificates which have been
14 marked as Mt. Carmel Exhibit 2.0?

15 A. I do.

16 Q. Were these notices published in newspapers
17 in circulation in the Company's service territory?

18 A. They were.

19 Q. And was notice also posted in your
20 Company's offices in a prominent place?

21 A. Yes.

22 MR. BRAMLET: Your Honor, we move for admission

1 into evidence Mt. Carmel Exhibit 2.0.

2 JUDGE ALBERS: I will note for the record that
3 I have not yet received a copy of 2.0. It's my
4 understanding that is on its way to us here in
5 Springfield. Have Staff seen that document?

6 MR. SPENCER: No.

7 MS. PEARCE: No.

8 JUDGE ALBERS: But it is simply the publication
9 documents?

10 MR. BRAMLET: Yes, and we have sent that
11 overnight mail, and you should have it today, Your
12 Honor.

13 JUDGE ALBERS: Okay. That's fine. Does Staff
14 have any objection to admission today?

15 MS. PEARCE: No.

16 MR. SPENCER: No.

17 JUDGE ALBERS: Hearing no objection, then
18 Mt. Carmel Exhibit 2.0 is admitted and will be
19 appropriately stamped upon its receipt.

20 (Whereupon Mt. Carmel Exhibit 2.0 was
21 received into evidence.)

22 MR. BRAMLET: Your Honor, thank you, and we

1 would move Mr. Barnhard -- we tender him as a
2 witness.

3 JUDGE ALBERS: Does Staff have any questions
4 for Mr. Barnhard?

5 MR. SPENCER: No.

6 MS. PEARCE: No.

7 JUDGE ALBERS: I don't either, so thank you,
8 Mr. Barnhard.

9 THE WITNESS: Thank you.

10 (Witness excused.)

11 JUDGE ALBERS: And is there anything further
12 from the Company?

13 MR. BRAMLET: We have nothing at this time,
14 Your Honor.

15 JUDGE ALBERS: All right. Thank you.

16 Ms. Pearce or Mr. Spencer, who would like
17 to begin?

18 MR. SPENCER: I can.

19 JUDGE ALBERS: Okay.

20 JUDGE ALBERS: Go ahead.

21 MR. SPENCER: My name is James D. Spencer,
22 business address 527 East Capitol Avenue,

1 Springfield, Illinois. I'm a senior electrical
2 engineer in the Commission's Energy Division.

3 JUDGE ALBERS: And you previously submitted a
4 document entitled Direct Testimony consisting of two
5 pages?

6 MR. SPENCER: Yes, I did.

7 JUDGE ALBERS: Well, three pages including the
8 cover page?

9 MR. SPENCER: Yes, I did.

10 JUDGE ALBERS: And that's been identified as
11 Staff Exhibit 1?

12 MR. SPENCER: Yes.

13 MR. JUDGE ALBERS: And if asked the same
14 questions today, would you give the same answers?

15 MR. SPENCER: Yes, I would.

16 JUDGE ALBERS: And is it your intent that this
17 be admitted into the record today?

18 MR. SPENCER: Yes.

19 JUDGE ALBERS: Is there any objection to the
20 admission of Staff Exhibit 1?

21 MR. BRAMLET: No, Your Honor.

22 JUDGE ALBERS: Staff Exhibit 1 is admitted.

1 (Whereupon Staff Exhibit 1 was received
2 into evidence.)

3 JUDGE ALBERS: Mr. Spencer, did you have
4 anything further to add?

5 MR. SPENCER: No, I do not.

6 JUDGE ALBERS: All right. Thank you.

7 And do you have any questions for
8 Mr. Spencer?

9 MR. BRAMLET: I do not have, Your Honor.

10 JUDGE ALBERS: All right. Thank you.

11 And Ms. Pearce.

12 MS. PEARCE: My name is Bonita A. Pearce. I'm
13 an accountant in the Accounting Department of the
14 Financial Analysis Division of the Illinois Commerce
15 Commission located at 527 East Capitol Avenue,
16 Springfield, Illinois.

17 JUDGE ALBERS: And, Ms. Pearce, did you submit
18 a document entitled Direct Testimony in this case
19 consisting of four pages including the cover page?

20 MS. PEARCE: I did.

21 JUDGE ALBERS: And there were no attachments or
22 schedules; correct?

1 MS. PEARCE: That is correct.

2 JUDGE ALBERS: And if asked the same questions
3 today, would you give the same answers?

4 MS. PEARCE: Yes.

5 JUDGE ALBERS: Is it your desire to have this
6 document which has been marked as Staff Exhibit 2
7 admitted into the record?

8 MS. PEARCE: Yes.

9 JUDGE ALBERS: Is there any objection to the
10 admission of Staff Exhibit 2?

11 MR. BRAMLET: No, Your Honor.

12 JUDGE ALBERS: Then Staff Exhibit 2 is
13 admitted.

14 (Whereupon Staff Exhibit 2 was received
15 into evidence.)

16 JUDGE ALBERS: Do you have any questions for
17 Ms. Pearce?

18 MR. BRAMLET: I do not have.

19 JUDGE ALBERS: I don't have any either.

20 And did you have anything further,
21 Ms. Pearce?

22 MS. PEARCE: No, I don't.

1 JUDGE ALBERS: Okay. Thank you.

2 Is there anything else at all to consider
3 on the record today?

4 MR. SPENCER: Not that I know of.

5 MS. PEARCE: Neither do I.

6 JUDGE ALBERS: Nothing else? Okay.

7 I think given my schedule, Mr. Bramlet,
8 I'm going to ask you for a draft order.

9 MR. BRAMLET: That's fine.

10 JUDGE ALBERS: When do you think you would be
11 able to have that on file?

12 MR. BRAMLET: I assume Staff will want an
13 opportunity to take a look at it?

14 MS. PEARCE: Yes.

15 MR. BRAMLET: Okay. I could probably have that
16 to Staff by a week from tomorrow.

17 MS. PEARCE: Okay.

18 MR. BRAMLET: And then how soon after that does
19 Staff want to look at it? How long do they need?

20 MS. PEARCE: We should be able to turn it
21 around in a week.

22 MR. SPENCER: Sure. That's fine for me.

1 JUDGE ALBERS: Okay. So Staff will have it by
2 roughly October 8th, and then any comments will be
3 given back to Mr. Bramlet by October 15th?

4 MR. SPENCER: Sure.

5 JUDGE ALBERS: The following Friday?

6 MS. PEARCE: Uh-huh.

7 MR. BRAMLET: And then we could have it to you
8 the following Friday after that, if that's all
9 right.

10 JUDGE ALBERS: That's fine.

11 MR. BRAMLET: Does that work?

12 JUDGE ALBERS: Yes.

13 JUDGE ALBERS: Okay. All right. Thank you
14 very much.

15 And if there's nothing further, then I
16 will mark the record Heard and Taken subject to the
17 admission of that exhibit, Mt. Carmel Exhibit 2,
18 when I receive that.

19 MR. BRAMLET: Thank you, Your Honor.

20 HEARD AND TAKEN

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